

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION

NICHOLAS ELLIOTT ALOYO,)	
)	
Plaintiff,)	
)	NO. 1:23-cv-00051
v.)	
)	JUDGE RICHARDSON
MARTIN O'MALLEY ¹ , Commissioner of)	
the Social Security Administration,)	
)	
Defendant.)	

ORDER

Pending before the Court is the magistrate judge's Report and Recommendation filed on March 26, 2024 (Doc. No. 13, "R&R"). The R&R recommends that the Court deny Plaintiff's motion for judgment on the administrative record. (Doc. No. 8, "Motion").² Plaintiff did not oppose the Motion, and Defendant likewise has not filed any opposition to the R&R.

The failure to object to a report and recommendation releases the Court from its duty to independently review the matter. *Frias v. Frias*, No. 2:18-cv-00076, 2019 WL 549506, at *2 (M.D. Tenn. Feb. 12, 2019); *Hart v. Bee Property Mgmt.*, No. 18-cv-11851, 2019 WL 1242372, at * 1 (E.D. Mich. March 18, 2019) (citing *Thomas v. Arn*, 474 U.S. 140, 149 (1985)). The district court is not required to review, under a de novo or any other standard, those aspects of the report and recommendation to which no objection is made. *Ashraf v. Adventist Health System/Sunbelt, Inc.*,

¹ Martin O'Malley became the Commissioner of Social Security on December 20, 2023. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Martin O'Malley is substituted for former Acting Commissioner Kilolo Kijakazi as the defendant in this suit. The Clerk is DIRECTED to make this substitution on the docket prior to closing this case.

² The Motion is titled, "Motion for Judgment on the Pleadings." However, the Court construes the Motion as one for judgment based on the administrative record, as set forth in Rule 5 of the Supplemental Rules for Social Security Actions Under 42 U.S.C. § 405(g).

322 F. Supp. 3d 879, 881 (W.D. Tenn. 2018); *Benson v. Walden Security*, No. 3:18-cv-0010, 2018 WL 6322332, at *3 (M.D. Tenn. Dec. 4, 2018). The district court should adopt the magistrate judge's findings and rulings to which no specific objection is filed. *Id.*

Accordingly, the R&R (Doc. No. 13) is adopted as unopposed. Plaintiff's Motion (Doc. No. 8) is **DENIED**, and the Social Security Administration's decision is **AFFIRMED**. The Clerk of the Court is **DIRECTED** to enter final judgment under Federal Rule of Civil Procedure 58 and close the file.

IT IS SO ORDERED.



ELI RICHARDSON
UNITED STATES DISTRICT JUDGE